

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

DAVID W LINDER,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00037-JPH-MJD
)	
DEA ADMINISTRATOR,)	
)	
Defendant.)	

ORDER

Plaintiff, David Linder, has filed a motion requesting (1) a copy of the Court's order denying his motion to correct error, which the Court construed as a motion for relief from judgment; and (2) an order resetting the "window" for appeal. Dkt. [19]. That motion is **GRANTED**.

The time to file an appeal may be reopened "for a period of 14 days after the date when [the] order to reopen is entered" if (1) the moving party did not receive notice of the entry of the order sought to be appealed within 21 days after entry, (2) the motion is filed within 180 days after the order sought to be appealed was entered, and (3) no party would be prejudiced. Fed. R. App. P. 4(a)(6); 28 U.S.C. § 2107(c). The Court finds that each of those requirements is satisfied. Mr. Linder alleges that he discovered the Court's ruling on the motion for relief from judgment "by reading Lexis—not by receiving a copy from the clerk." Dkt. 19; *see Khor Chin Lim v. Courtcall Inc.*, 683 F.3d 378, 380 (7th Cir. 2012). That order was entered on September 18, 2020—fewer than 180 days ago. *See* dkt. 18. And Defendant has not been served and has not

appeared, so it would not be prejudiced. *See* Fed. R. App. P. 4(a)(6) *cmte. notes* ("Prejudice might arise, for example, if the appellee had taken some action in reliance on the expiration of the normal time period for filing a notice of appeal.").

Mr. Linder therefore **shall have** 14 days from the entry of this order to file an appeal of the order denying his motion for relief from judgment. Fed. R. App. P. 4(a)(6); *see also York Grp., Inc. v. Wuxi Taihu Tractor Co.*, 632 F.3d 399, 402 (7th Cir. 2011).

The **clerk shall include** a copy of the Court's order denying relief from judgment, dkt. 18, with Mr. Linder's copy of this order.

SO ORDERED.

Date: 11/24/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

DAVID W LINDER
25913-048
TERRE HAUTE - FCI
TERRE HAUTE FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808